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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER RESOURCE MANAGEMENT

AGENDA
MOLOKAI ISLAND BURIAL COUNCIL
MEETING

Date: Wednesday, March 18, 1992
Time: 1:00 PM
Place: Mitchell Pau'ole Center
Kaunakakai, Molokai

- I. OPENING REMARKS
- II. APPROVAL OF JANUARY 27, 1992 AND FEBRUARY 19, 1992
MEETING MINUTES
- III. BUSINESS
- A. **Kalaupapa Airport, Kalaupapa, Kalawao**
Information: Department of Transportation
construction plans update at the cross-section.
 - B. **Mapulehu Glass House - Burial Sites Disturbance**
Information: update of Attorney General's
investigation of multiple burials sites
disturbance.
- IV. ANNOUNCEMENTS
- V. ADJOURNMENT



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WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JOHN P. KEPPELER, II
DONA L. HANAIIKE

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MINUTES
MOLOKAI ISLAND BURIAL COUNCIL MEETING

Date: Wednesday, March 18, 1992
Time: 1:00 PM
Place: Mitchell Pau'ole Center
Kaunakakai, Molokai

ATTENDANCE:

Council: Colette Machado, Eliza Reyes, Henry Ayau Jr., Lani
Kapuni, William Akutagawa

Staff: Edward Ayau, Kathleen Oshiro

GUESTS: Judy Caparida, Kathy Gross, Cappy Capauda

ABSENT: Matthew Adolpho Jr. and Pearl Hodgins (excused),
Henry Nalaieiua

I. OPENING REMARKS:

Chairperson Colette Machado called the meeting to order at
2:00 p.m.

II. APPROVAL OF JANUARY 27, 1992 MINUTES:

The minutes of the January 27, 1992 Molokai Island Burial
Council meeting were amended to reflect the following
change:

1) Attendance - Council: Delete Matthew Adolpho Jr. He

was not present at this meeting.

The minutes were accepted with the above change and unanimously approved. (Ayau/Akutagawa)

APPROVAL OF FEBRUARY 19, 1992 MINUTES:

The minutes of the February 19, 1992 Molokai Island Burial Council meeting were reviewed and unanimously approved. (Ayau/Akutagawa)

III. BUSINESS:

A. Kalaupapa Airport, Kalaupapa, Kalawao

Information: Department of Transportation construction plans update at the cross-section.

Eddie Ayau distributed copies of the notice regarding the final airport closure (a letter plus pages 15 and 16) to start on Tuesday, April 7, 1992 after 4:00 p.m. until Monday, April 12 at 6:00 a.m. This is the same information that was provided to the Council at last month's meeting which was accepted as is. Henry Ayau will represent the Council to monitor the 2-day grading work.

B. Mapulehu Glass House - Burial Sites Disturbance

Information: update of Attorney General's investigation of multiple burial sites disturbance.

Eddie Ayau informed the Council that a letter was written from Mr. Paty to Lawrence Aki and his family in response to their concerns. Ayau said that the attorney who was assigned to the case was out sick during the past 3 weeks. Because it took so long, the Attorney General's office gave this case to a new attorney. Ayau and the new attorney worked out a "demand" letter which notifies the landowner, Ms. Osborne, that the State has determined that a violation of the law did occur based on the information that was recieved during the investigation.

The letter first requires Ms. Osborne to hire a private archaeological firm to come in and uncover the rest of the remains. Osborne will be responsible for the financial cost. Second, Osborne is to come before the Burial Council and work out the reburial plan with the Council and lineal descendants. The reburial plan includes selecting a site for reburial, to decide when it will take place, who will be involved and how it will be conducted. The third requirement states that Osborne will prepare a burial site

and is responsible for all cost associated in doing this. (Cost of digging the site and all materials needed to rebury the remains.) Next, because the State has found that Osborne was in violation of the law, the State will assess a fine between \$120,000.00 and \$180,000.00. Under the law, there is a \$10,000.00 fine for disturbing a single burial. In this instance, SHPD has determined that there is a minimum of 12 and a maximum of 18 burials disturbed. Ayau continued to explain the burial law.

Ayau reminded the Council members that at the last meeting, the point was whether the disturbance was intentional or unintentional. Based on the findings of the investigation, it was determined that the disturbance was intentional. Also, the failure to report the disturbance was intentional. If Osborne does not agree to comply with these requirements, then it will lead to a trial. The Attorney General's office did not disclose the investigation report to SHPD, however, they did find that the law was violated.

IV. ANNOUNCEMENTS:

- 1) The next meeting is scheduled for Wednesday, April 15, 1992 at 1:00 p.m.
- 2) Reminder to turn in 1991-1992 mileage/travel forms for reimbursement on a quarterly basis.

V. ADJOURNMENT:

The meeting was adjourned at 3:15 p.m.

Respectfully submitted:

Kathleen Oshiro

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